

REMARKS

This Amendment responds to the Office Action dated August 10, 2004. A diligent effort has been made to respond to all of the objections and rejections contained in the Office Action and reconsideration is respectfully requested.

Claims 86-101 are pending in the application. Claims 1-85 have now been cancelled.

1. The 35 USC 103 Rejections are Improper

Claims 70-73, 77 and 81 were rejected in the August 10, 2004 office action under 35 USC 103 as being obvious over the combination of AirMobile (Software for Lotus cc:Mail Wireless, Communication Client Guide, Motorola, 1995), in view of Gadol (Nomadic Tenets – A User's Perspective, Sun Microsystems Laboratories, Inc., June 1994) and further in view of Bezaire (US 5,758,088) and further in view of Eggleston (US 5,764,899). The remaining claims were also rejected under 35 USC 103, based upon these references, and also combining these references with numerous other references. All of these rejections are traversed.

A. Claim 86 Recites a Method of Continuous Pushing From a Messaging Server to a Wireless Mobile Communication Device via a Redirection Server Program That Does Not Poll or Query the Messaging Server for Received Messages

New claim 86 is based, in part, on previously-pending claim 70. The claim recites a method of replicating electronic messages between a messaging server and a plurality of wireless mobile communication devices using a redirection server program. The method includes the following steps: (*emphasis added*)

receiving electronic messages at the messaging server and storing the electronic messages in a message store having a plurality of mailboxes, wherein each of the plurality of wireless mobile communication devices is associated with at least one of the plurality of mailboxes; and

without receiving a request to download the received electronic messages at the messaging server, continuously pushing copies of the received electronic messages from the mailboxes associated with each of the wireless mobile communication devices to the wireless mobile communication devices, wherein the continuously pushing step includes the steps of:

(A) for each of the wireless mobile communication devices, *the redirection server program registering with a software interface associated with the messaging server to automatically receive a notification signal when an electronic message is received and stored in the mailbox associated with the wireless mobile communication device*;

(B) detecting the received electronic message at the redirection server program by receiving the notification signal from the messaging server's software interface; and

(C) upon receipt of the notification signal, the redirection server program accessing the mailbox associated with the wireless mobile communication device and transmitting a copy of the received electronic message to the wireless mobile communication device.

The *emphasized* language, which is discussed in more detail below, clearly differentiates the claimed method from the AirMobile reference, which does not provide a software interface of the type set forth in claim 86 for providing automated notification signals to the redirection server program when new messages are received at the wireless user's mailbox. Instead,

AirMobile configures its communication server program to periodically poll (or query) the user's mailbox to check for new messages.

B. AirMobile is a Polling System

As explained several times now in this application (*see*, Amendments dated September 4, 2003 and May 12, 2004), the AirMobile system is a “polling” system in which a communication server program is configured to periodically poll or query a user's post office mailbox in order to determine if new messages have arrived. The AirMobile configuration is the opposite of the system described in claim 86, in which new messages are automatically detected, copied and transmitted by the redirection server program to the wireless mobile communication devices without having to request, query or poll the messaging server for the existence of the new messages.

In rejecting previously-pending claim 70, which included similar language to claim 86 with respect to the software interface, the Office Action provided the following reasoning:

A. For each of the wireless mobile communication devices, the software program registering with a software interface (“AirMobile Wireless Comm Client interface”) associated with the messaging server (p. 40, ¶ 5, wherein the interface is used to configure, i.e. register, the client to receive certain messages from the AirMobile Wireless Comm Client for cc:Mail) to receive a notification signal when a new received electronic message is received and stored in an associated mailbox (pp. 10-11; p 31, ¶ 3; p. 40, ¶ 5, “when a message arrives for you in your LAN-based cc:Mail Inbox, Motorola AirMobile software will immediately download the message to your laptop, assuming it passes your download filters,” wherein the AirMobile software is thus notified of each arriving message so that it can forward the message as appropriate); (Office Action at pp. 3-4)

First, it is important to note that all of these passages relied upon by the Office Action are describing a “client” program operating at the wireless device, which in the case of AirMobile is a laptop computer with a wireless modem attached thereto. The “AirMobile Wireless Comm Client” is a piece of code that resides on the laptop computer. Thus, its applicability to the

claimed subject matter is entirely tangential because the claim is directed to a “redirection server program,” and an associated software interface between the redirection server program and the messaging server where the wireless user’s messages are stored. The AirMobile Wireless Comm Client program interfaces with the Communications Server, which is similar in some ways to the redirection server program, it does not interface with the messaging server where the user’s mail is stored.

Furthermore, the parts of the “client” program relied upon by the Office Action simply do not disclose or suggest the claimed software interface. For example, paragraph 5 of page 40 is describing a user interface on the client laptop which enables the user to set one or more filters, which when set, cause the communication server to block certain messages from being downloaded to the client program. This paragraph, therefore, does not disclose a software interface between the messaging server and a redirection server program that serves to provide automated notification signals when changes to the wireless user’s mailbox occur.

Likewise, pp. 10-11, p. 31 and p. 40 are not describing a software interface as defined in claim 86. Pages 10-11 of the “client” reference describe a user profile database, a wireless registration process, and the aforementioned filtering operation. Page 31 also describes filtering operations, and, as further discussed below, mentions the idea of “server push,” but provides no details whatsoever as to how this “server push” function is implemented in the AirMobile system. And page 40, as noted above, is referring to the process of message filtering. None of these portions of the “client” manual disclose or suggest the claimed software interface of claim 86, in which the redirection server program registers with the software interface of the messaging server to receive automated notification signals when a change occurs to the wireless user’s

mailbox. Thus, it is clear that the portions of the AirMobile reference relied upon by the Office Action do not, in fact, disclose, teach or suggest the software interface of claim 86.

The reason that the AirMobile reference does not disclose such a software interface for providing notification signals is that the AirMobile system is a polling system. The figure below shows a system diagram of the AirMobile system.

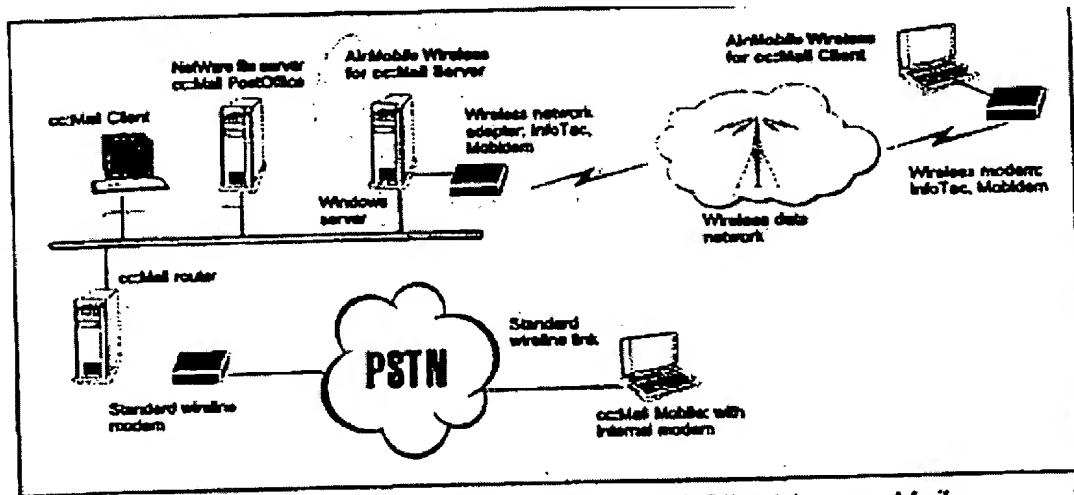


Figure 1-1 AirMobile Wireless Comm Server and Client in a cc:Mail environment

As previously detailed in the September 4, 2003 Amendment, the system shown in Figure 1-1 of the AirMobile reference is a “polling” system. The polling operation, however, is not between the client device and a messaging server, but has been moved to the AirMobile communication server that resides on the user’s LAN. This communications server is labeled “AirMobile Wireless for cc:Mail Server” in Figure 1-1. The AirMobile communications server is configured by the user so that it periodically polls or queries the user’s post office mailbox, residing on the computer labeled “NetWare file server cc:Mail PostOffice,” and if new messages are found, then the PostOffice server returns them to the communications server for transmission to the wireless client.

As explicitly detailed in the SERVER manual for the AirMobile system, several polling parameters are required at the AirMobile server, including a Scheduler Cycle Time parameter and a Inter-User Time-out parameter. According to the SERVER manual, the Scheduler Cycle Time parameter defines “...*the number of seconds to wait between checking active user’s inboxes. For example, if you enter “30” in this field, the inbox of each active user will be checked every 30 seconds for the presence of messages.*” (AirMobile Communication Server Guide at 23) The Inter-User Time-out parameter was used by the AirMobile server to “*defined the number of seconds to wait between checking the next user’s inbox. Use this parameter to space out inquiries to a mail server.*” (AirMobile Communication Server Guide at 23). In addition, the AirMobile Communication Client Guide indicates that the minimum time that can be input to the Scheduler Cycle Time field is 30 seconds. (AirMobile Communication Client Guide at 20.)

The Office Action confuses the issue with AirMobile by continually relying upon certain ambiguous, and not adequately defined or supported statements in the reference that use the word “push” instead of focusing on the claim language at issue, which is much more than just “pushing.” In doing so, the Office Action essentially concedes that the AirMobile reference is not properly applied in this situation because, at best, its teaching is not clear, and thus the reference is not enabling. The Office Action states the following regarding the “polling” operations of AirMobile:

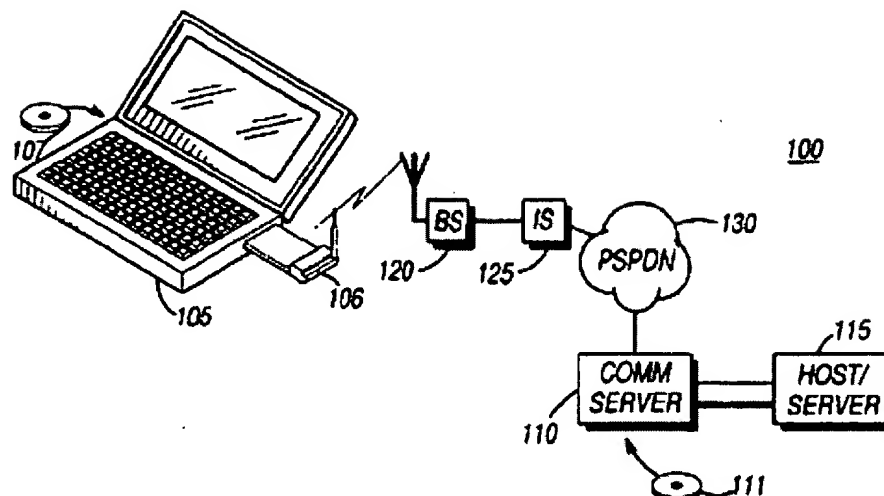
Finally, it is worth noting that the server immediate push system taught by AirMobile is somewhat contradicted by the section in AirMobile describing a “Schedule Cycle Time” period that defines the number of seconds to wait between Outbox checking. See p. 20. Assuming that this renders the reference ambiguous regarding whether it acts as a true server-push model that pushes every message to the wireless as soon as it is received, or instead as a modified push system that pushes messages every X seconds, two things can be said. First, as evidenced by Gadol, the immediate message push system for e-mail was well known at least as

far back as 1994. . .Second, even without the insight provided by Gadol, one viewing AirMobile reference would recognize that the "Scheduler Time Cycle" can be low or high, as the user desires. (Office Action at 7-8)

From these passages, it appears clear that AirMobile teaches a system for continuously pushing received electronic messages from the receiving mailbox to the user's mobile device. However, page 20 of AirMobile does shed some doubt on whether this "continuous," "immediate pushing" is in fact taught by AirMobile. Page 20 describes a "Scheduler Cycle Time" period that defines the number of seconds to wait between Outbox checking. This appears to perhaps contradict the idea of continuous immediate pushing of messages.

With respect to these arguments, three things can be said. First, any ambiguity created by the AirMobile reference itself can be resolved by relying upon the detailed teaching of the reference, as opposed to the other non-descript language which appears to be more marketing speak than technology driven. The detailed teaching of the reference clearly shows that it is, in fact, a polling system, with a minimum cycle time of 30 seconds between polling or querying the user's mailbox. This polling operation takes place between the communication server and the user's LAN-based PostOffice mailbox. Although messages may be continuously pushed from the communication server to the wireless device, upon receipt of those messages at the communications server, the messages are clearly not continuously pushed from the PostOffice mailbox all the way to the wireless device.

Second, any ambiguity in the AirMobile reference can be potentially resolved by referring to the Eggleston patent (US 5,764,899). The Eggleston patent appears to be describing the same system that is described in the AirMobile reference. Figure 1 of the Eggleston patent is set forth below.



Eggleston is owned by the same company that produced the AirMobile system. In Eggleston, a laptop computer 105 with a wireless modem 106 communicates with a “communication server” 110, which in turn is coupled to a user’s “Post Office” host server 115. AirMobile describes exactly the same thing, using exactly the same terminology. The Eggleston patent was filed in 1995, the same year that the AirMobile references are copyrighted. Two of the inventors on the Eggleston patent – Gene Eggleston and Mitch Hansen – are referenced on numerous occasions in the AirMobile manuals. For example, page 39 of the AirMobile Client guide shows a sample message sent from Mitch Hansen to Gene Eggleston.

Figure 2 of the Eggleston patent, below, shows the “communication server” 110 in more detail.

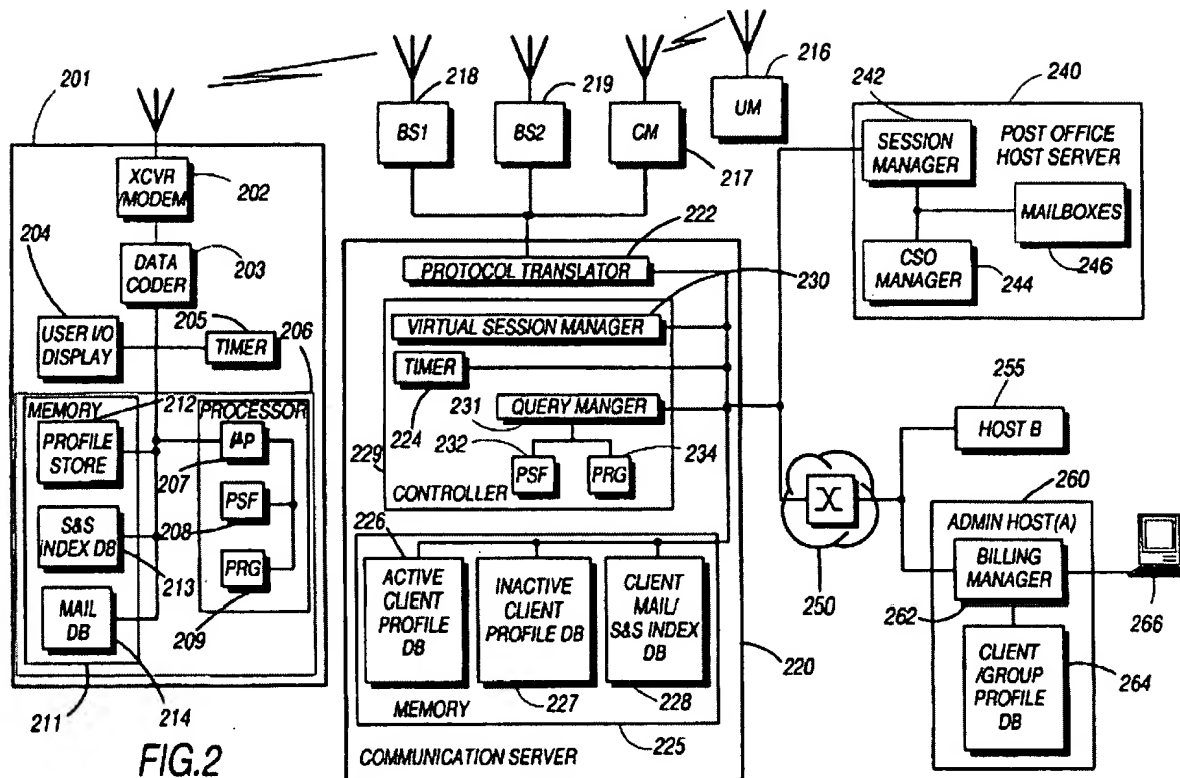


FIG. 2

The communication server includes a component called a "Query Manager." The operation of the communication server (and its Query Manager) in relation to the Post Office server are described in Eggleston as follows:

Upon establishing the virtual session, a query is preferably generated by query manager requesting unprocessed data for the user, and the VSM forwards the query to the host (step 320). In the case of email, e.g., this might include generating a request message for all unread mail in the users post office box. The post office then checks for new mail received, and forwards all such mail to the VSM (steps 321-322). Because the VSM has established a LAN session with the post office, these communications are performed relatively quickly, e.g., in accordance with the LAN's and host's typical processing for their current loading level. The VSM in turn forwards the data (i.e. mail) received via the virtual session transport (step 323) For example, in the case of FIG. 1 where PDN 130 is an ISDN (integrated services digital network) network connected to a CDPD wireless network, the mail would be appropriately packetized by the communications server and delivered via the serving BS 120 according to ISDN/CDPD system protocols. This can take up to several minutes or more for a moderately sized mail package. However, since the data is being delivered in a sessionless mode, the amount of time the communication channel (including the

more expensive wireless communication channel portion, as well as the portion via PDN 130) is tied up is kept to a minimum. . . While in some systems it may be advantageous to store some of the data at the communications server, in the case of email and the like it is presently envisioned that the communication server is preferably used in maintaining the sessions between client and host, and not as a remote server for the host. Thus, rather than have all new data from the host pushed down to the communications server, most data exchanges are preferably initiated, at some predetermined interval or intervals, by the communications server (e.g., by the query manager).

Turning now to FIGS. 4 through 6, a presently preferred embodiment is shown for prestage filtering data for transfer between the different functional entities of the wireless communications system of FIG. 2. This typically begins with the generation of a query object or message at the communications server (step 406). This object/message may be created in response to a preceding client generated message (e.g., a request generated when clicking on an application button requesting updates, executing the mail application, etc.), or in response to settings in the client profile. However, after updating the active client profile/object for an active client application, the query manager is preferably programmed to send query objects at predetermined intervals for each application being run by each active client, the intervals varying depending on the application type (e.g., longer for mail about every 5?*** seconds) than for interactive applications like Lotus Notes (about every 1?*** second). Alternatively, the intervals could be user specified via the client profile, for example to shorten the query intervals for time critical applications (e.g., for emergency services or "real time" applications), or lengthen the intervals when less frequent updates are desired (e.g., to conserve on traffic expenses for updates to a rapidly changing but non-time critical, groupware file or document).

This teaching from Eggleston clearly demonstrates that the "communications server" must query (or poll) the Post Office mailbox in order to determine whether there are any messages present for a particular wireless user, and such polling is done on a periodic basis. Thus, assuming that Eggleston is describing the AirMobile system, which appears to be the case, this should resolve any ambiguity in that references disclosure.

Finally, whether or not AirMobile uses the words "push," or whether it even enables a "pushing" system, is really not the issue. The issue is whether or not the reference discloses the following steps from claim 86:

without receiving a request to download the received electronic messages at the messaging server, continuously pushing copies of the received electronic messages from the mailboxes associated with each of the wireless mobile communication devices to the wireless mobile communication devices, wherein the continuously pushing step includes the steps of:

(A) for each of the wireless mobile communication devices, the redirection server program registering with a software interface associated with the messaging server to automatically receive a notification signal when an electronic message is received and stored in the mailbox associated with the wireless mobile communication device;

Applicants respectfully maintain that AirMobile does not disclose such a software interface between a redirection server program and a messaging server, but in fact teaches the opposite type of interaction in which the server program is configured to continually poll or query the messaging server for new messages. In AirMobile, the “communication server” transmits a “request to download” message to the messaging sever (Post Office Server) on a periodic basis, which is explicitly excluded from claim 86. Moreover, the AirMobile “communication server” does not “register with a software interface associated with the messaging server to automatically receive a notification signal when an electronic message is received.” Instead, the “communication server” polls the messaging server – as stated previously, this is the opposite of claim 86.

For all of these reasons, it is submitted that claim 86 is distinguishable from AirMobile.

C. Gadol Does not Teach the Missing Limitations of Claim 86

As a backup plan for dealing with the AirMobile ambiguity, the Office Action brings in the Gadol reference. Gadol, however, doesn’t provide the missing teaching from AirMobile.

Specifically, Gadol does not disclose, teach or suggest the claimed software interface for providing automatic notification signals from the messaging server to the redirection server program when a change takes place to a wireless user's mailbox. Gadol, in fact, doesn't even disclose a redirection server program at all that is in communication with the messaging server, but instead teaches that its wireless devices connect to desktop workstations to send and receive messages. There is no teaching, however, as to how or when these desktop workstations would retrieve messages from an e-mail server. The Examiner's unsupported statements at page 20 of the Office action that "there is no other way for the forwarding system [of AirMobile/Gadol] to know that messages have arrived other than being notified," ignores the obvious alternative method, which is the "polling" method of AirMobile and Eggleston.

2. IDS Submissions

Upon reviewing the file, and the IFW system at the USPTO web site, applicants respectfully bring the Examiner's attention to the fact that several IDS statements filed in this case have not been returned to the applicants or identified on the IFW system as being considered. In particular, IDS submissions received at the PTO on August 24, 2001; March 1, 2002; May 10, 2002; and October 27, 2003; including the associated PTO-1449 forms, have not been returned to the applicants, nor do these forms appear in the IFW system. Attached to this Amendment at Tab A are true copies of the 1449 forms, along with the return receipt postcards showing the respective dates of receipt at the USPTO. Applicants request that the Examiner consider the art cited on these forms and return the completed 1449 forms in response to this Amendment. Applicants believe that the Examiner already has in his possession all of the art

cited on these forms. If, however, the Examiner is missing any of these references, then the applicants stand ready to provide these to the Examiner if necessary.

3. Conclusion

For all of the reasons noted above it is believed that the pending claims 86-101 are patentably distinct from the prior art of record, and thus a notice of allowability is respectfully requested. Alternatively, the applicants invite the Examiner to contact their undersigned representative in order to further reduce any remaining issues in this case and bring about a conclusion to this matter.

Respectfully submitted,

JONES DAY

A handwritten signature in cursive script, reading "David Cochran". The signature is written in dark ink and is positioned above the printed name and registration number.

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